

REMARKS

Applicant wishes to thank Primary Examiner Bashore and Examiner Alvesteffer for the courtesy of a telephone conference on April 14, 2009.

During the interview, Examiner Alvesteffer indicated that he understood there were differences between our invention as defined in our claims, and *Reisman* (U.S. Patent Publication 2003/02298900) and indicated that he would have to perform additional searching.

Examiner Alvesteffer suggested that explaining the integration of a graphic stream and video stream, including the time information associated with the video stream, would assist in further directing the claims to allowable subject matter.

Accordingly, the presently presented amended claims clarify the integration of the video stream and graphic stream, wherein they are multiplexed and integrated into a digital stream. Our claims further recite that the graphic stream constitutes a menu and the menu is used for an overlay display with the moving pictures. Additionally, the time information is associated with the playback timeline on the video stream and the time information can include a presentation timestamp, a selection timeout stamp, and a user timeout duration, all of which are associated with a playback timeline of the video stream.

As can be appreciated, these features define what processes the playback apparatus are instructed to execute at the respective timings defined on the playback timeline of the video stream. The specific processes instructed to the playback apparatus with the use of the above information items included in the time information are as follows. With the presentation timestamp indicating a time at which the first page is to be displayed, the display state of the menu is changed to a state in which only the first page is displayed, in accordance with the playback proceeding of the video stream. With the selection timeout stamp, the currently

displayed page is changed from the first page to another page of the menu. With the user timeout duration, the currently displayed page is changed from another page to the first page of the menu. In this manner, the present invention realizes a playback control to automatically change the display of the menu from one page to another in accordance with the playback proceeding of the video stream, whereby the interactive control is realized in a user-friendly manner.

As can be appreciated, our present invention is applicable for presentation of both a single page display state and a multiple page display state.

These features, set forth in our claims, are more than adequately supported in our specification and reference can be made to our U.S. Patent Publication 2006/291810, with the following paragraph numbers.

The additional recitation of the presentation timestamp is described in the following paragraphs.

[0101]

FIG. 6 shows the time axis of ...will be synchronized with the video stream.

The additional recitation of the selection timeout stamp is described in the following paragraph.

[0118]

The "selection_time out_pts" field shows...to activate the buttons.

The additional recitation of the user timeout duration is described in the following paragraph.

[0120]

The user_time_out_duration field shows...no page remain presented (No Menu Display).

The additional recitation of the plurality of pieces of page information is described in the following paragraph.

[0143]

A second embodiment relates to display compositions...and/or after removing a menu page.

The additional recitation of the button information is described in the following from Paragraph [0144] to [0171].

[0144]

FIG. 16 is a view showing the internal structure of ...

[0171]

...content creators can readily describe page transitions at the time of authoring.

The additional recitation of the set-button-page command is described in the following paragraph.

[0171]

The “navigation_command” structure shows...content creators can readily describe page transitions at the time of authoring.

The Office Action rejected Claims 29, 33, 37, and 38 as being anticipated by *Reisman* (U.S. Patent Publication 2003/0229900) under 35 U.S.C. §102.

It is clear, however, that this reference does not teach the present invention, solve the problems addressed by the present invention, nor define each claim element as now set forth.

“[T]he dispositive question regarding anticipation is whether one skilled in the art would reasonably understand or infer from the prior art reference’s teaching that every claim [limitation] was disclosed in that single reference.” *Dayco Prods., Inc. v. Total Containment, Inc.*, F.3d 1358, 1368 (Fed. Cir. 2003).

The present invention addresses the presentation of movies on a recording medium and more particular, provides menus to enable interactive control without interrupting a preferred display of the movie image so that a control can be automatically effectuated as an integral part of the data stream of both video and graphics.

Thus, an editor can coordinate and provide added features to a movie that is being sold, for example, on a BD-ROM with a storage capacity to enable ancillary features to be offered to the viewer. Video and graphic streams can be converted to TS packets and presentation graphic streams (PG) and interactive graphic streams (IG) converted to TS packets can be multiplexed with the video by the editor to form an AV clip.

As can be appreciated from our description and the presentation of Figure 5, a display effect such as a menu can be associated with an EPOCH that will enable a start time and a finish time to allow a seamless display of the menu over a streaming movie.

The time axis of an AV clip playback defines a decode timing and playback timing of individual pictures multiplexed in the AV clip which can be synchronized with a video stream. Reference can be made to Figure 11 to disclose a correlation between respective timeout periods correlated with the EPOCH by the editor. See Pages 24-28, Figures 13-15 to have a visual correlation of the integration of editorial choices with a graphic of a multi-page menu.

Finally, to appreciate an example of editorial choices, Figures 15A through 15D show a correlation of content with the video stream and an interactive control segment contained in the graphic stream.

We have defined a recording medium having recorded not only a video stream but an intra-related graphic stream utilizing terminology such as "interactive control segment" and "object definition segment" as disclosed in Figures 5 and 8.

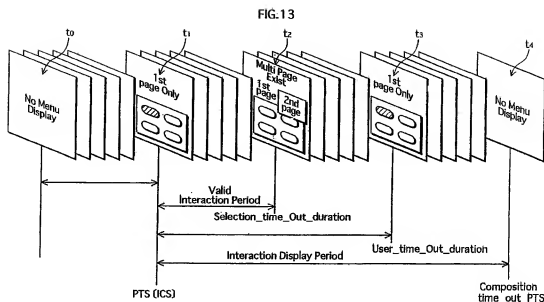


Figure 13 shows an integrated relationship between the video stream segments and the integration of the graphic menu information by the editor with our invention.

Reisman is directed to navigating a hypermedia system via input devices of the Internet, home network, and a wireless network. See Paragraphs 0099-0100 and Figures 2A and 2B.

Digital Stream

Paragraph 0042 discloses that the hypermedia system is consistent with a Dexter Hypertext Reference Model and the interactive control contemplated by *Reisman* uses a hierarchical data structure consisting of the run-time layer, storage layer and element layer and not the data structure of the graphic stream (object definition system and interactive control segment) of our claims.

Object Definition Segment

Note, the interrelationship between our graphics stream and video stream that is utilized by an editor to present an integrated menu with, for example, a movie. The Office Action contended that Paragraph 0121 taught an object definition segment, as defined in our claims.

However, the ITV screen 320 would have to be contained in the graphic stream. A person of ordinary skill would be aware that it is not reasonable to consider that the data stream of *Reisman* (see Paragraph 0320) can play any role in displaying an ITV screen other than in the ITV system.

Interactive Control Segment

Paragraph 0545 was cited to be equivalent to our interactive control segment while MMUI device could involve an overlay of the main menu on a TV. There is certainly no suggestion of either the object definition segment or the interactive segment as utilized in our invention that exists in a data stream as one constituting element. There is no teaching or foundation to contend that the *Reisman* reference discloses scenario data that can be utilized from any data stream on the basis of a video of being played on the TV.

Multi-Page Information

The Office Action contended that the navigation and hierarchy of *Reisman* Paragraph 0414 could be equivalent to multi-page information.

It is readily apparent, however, that the defined base video, interactive indicator bugs, first level menus, i-th level menus mentioned are not configured nor could be configured to behave in accordance with the proceeding of a video playback. *Reisman* does not teach nor suggest such an ability.

Button Information

Our application supports button information and this can be visually seen in Figure 31 on Page 55.

The Office Action contended that a control panel 920 of *Reisman* is equivalent to one button information and contends that a user might use task bar buttons or control panel entries to select among open resource windows. However, as set forth in our claims, the multi-page information and button information are elements of the interactive control segment.

The scenario of navigation hierarchy described in Paragraphs 0545 and 0414 of *Reisman* do not contain such a containment relationship.

Display State of Multi-Page

The Office Action contended that the navigation hierarchy involving the base video, interactive indicator, first level menus and i-level menus of Paragraph 0414 was equivalent to our multi-page menu.

The present invention refers to a display state of the multi-page menu. However, in order to conclude that Paragraph 0542 discloses a display state, it would be necessary that the base video interactive indicator bugs and the first level menus also must have state change, as in our present invention. However, changes to Paragraph 0542 are only made directly in response to a user request.

Time Information

The Office Action contended that the TVC parameters in Paragraph 0863 could be equivalent to our time information as defined in our claims. However, for this to be supported, the transition of the TV screen or Web page needs to be defined in relationship to the time axis of the video playback proceeding on the TV.

Thus, it would be the TV timeline that would correspond to the time axis of our video stream and there is no description of the TVC parameters of Paragraph 0863 that would suggest or teach any timing for causing the display state changes in Paragraph 0542.

The Office Action rejected Claims 30 and 34 as being unpatentable over the *Reisman* reference in view of *Malamud et al.* (U.S. Patent No. 5,664,133).

Our discussion with Pinchus Laufer in the Office of Patent Legal Administration, who was involved in writing the Examination Guidelines for Determining Obviousness under 35 USC §103 in view of the Supreme Court decision in *KSR International Co. vs. Teleflex, Inc.* verified that the KSR decision still required a specific rationale that could not be based on hindsight for purportedly combining the elements in the prior art to meet an invention defined in the patent claims.

Mr. Laufer incorporated the following from the existing MPEP into the Guidelines.

As noted in the MPEP at §2143.02:

A rationale to support a conclusion that a claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1395 (2007); *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152, 87 USPQ 303, 306 (1950). (underline added)

As can be readily appreciated, the function taught by the *Reisman* reference can be found in the Summary of its Invention in Paragraph 0010 as follows:

Embodiments of the invention allow a user and/or an author to control what resources are presented on which device sets (whether they are integrated or not), and provide for coordinating browsing activities to

enable such a user interface to be employed across multiple independent systems. (underline added)

It is also clear that the function defined in the *Malamud et al.* reference is limited to the characteristics of a cascade menu. Combining these separate functions would not produce the advantages of the present invention as defined in our current claims.

Malamud et al. was cited for disclosing a cascade menu that could appear after a short delay. (See Figure 8) *Malamud et al.*, however, only changes the color shade of the triangle 36 in response to a user operation of moving the display pointer, as shown in Figure 2. It teaches no automatic disclosure of a time point indicated by timeout information as defined in our present invention.

Malamud et al. also does not automatically activate button material, and finally, the time referred to in *Malamud et al.* refers only to the time taken to present the cascade menu from the moment the display pointer is moved to the corresponding menu item, and certainly does not refer to a time period, on an EPOCH time axis, after a lapse of which the button material and the selected state on the first page, is automatically activated.

In summary, the combination of *Reisman* and *Malamud et al.* do not render obvious our present claims.

Accordingly, it is believed that the present application is now in condition for allowance and an early notification of the same is requested.

If the Examiner believes a telephone interview will assist in the prosecution of this matter, the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

SNELL & WILMER L.L.P.

A handwritten signature in black ink, appearing to read 'J. Price', is written over a horizontal line.

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